



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HUTCHISON

Atty. Ref.: 4480-27; Confirmation No.

Appl. No. 10/612,284

TC/A.U. 1771

Filed: July 3, 2003

Examiner: Cheryl A. Juska

For: SOILING DETECTOR FOR FABRICS

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\* \* \* \* \*

February 26, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTERVIEW SUMMARY STATEMENT  
AND SUPPLEMENTAL RESPONSE AFTER FINAL**

In response to the Interview Summary dated January 26, 2007 (which crossed in the mail with applicant's Amendment After Final dated February 5, 2007), applicant submits this Interview Summary Statement. This document also acts as a Supplemental Response to address the new and only remaining issue in this application, i.e., a Section 112 enablement rejection of Claims 5 and 14.

Before responding to the enablement rejection, applicant notes with appreciation the Examiner's time and consideration of this matter, including the telephone interview of January 16, 2007. The interview helped advance the prosecution of this application.

As kindly confirmed in the Examiner's Interview Summary, applicant also notes with appreciation the Examiner's withdrawal of the prior art rejections and the previous Section 112

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rejections of Claims 5 and 14 and Claims 22 and 23 -- based upon the claim amendments discussed during the interview and reflected in the Amendment After Final filed on February 5, 2007, and the Section 112 positions set forth therein.

Turning to the Interview Summary of January 26, 2007, the only issue that remains in this application is a Section 112 enablement rejection of Claims 5 and 14. As stated in the Interview Summary, the USPTO contends that the specification may not enable one of ordinary skill in the art to make and use the invention of Claims 5 and 14 wherein the hollowfil and multi-lobal fibers are selected so as to be "visually indistinguishable" (for example, selection of appropriate deniers, dye characteristics, etc).

Applicant requests the withdrawal of this Section 112 enablement rejection of Claims 5 and 14 based upon the following facts, case law and information.

As stated in 35 U.S.C. §112, the specification of an application shall contain a written description that enables a person skilled in the art to make and use the invention. The Federal Circuit has recently confirmed that general references in the application meet the Section 112 enablement requirements. *Falkner v. Inglis*, 448 F.3d 1357, 1365 (Fed. Cir. 2006) (application properly enabled one skilled in the art to make and use the invention, i.e., the court held that general references in the application met the Section 112 requirements -- the application conveyed possession of the invention to those of skill in the art as of the filing date and provided an adequate written description that enabled those skilled in the art to practice the invention). The Federal Circuit also noted that the Section 112 enablement requirement did not require examples or information known to those of skill in the art.

In the present application, the specification enables one skilled in the art to make and use the invention. As set forth in paragraph No. 4 of the specification, and as set forth in Claims 5

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and 14, the soiling-hiding yarns can include yarns formed of hollowfil fibers and the soiling-prone yarns can include yarns formed of multi-lobal fibers. Paragraph 5 of the specification provides additional details concerning the hollowfil and multi-lobal fibers that further enables one skilled in the art to make and use the invention. Paragraph 6 even provides detailed types of multi-lobal fibers and hollowfil fibers and what they can be made from in order to practice the claimed invention. Indeed, the last sentence of paragraph 6 goes so far as to describe an example of what fibers may be used in order to practice the invention -- even though the Federal Circuit has said that examples are not required in order to provide an enabling disclosure.

Furthermore, Figures 1-4 of the application provide additional teachings for those skilled in the art to enable them to make and use the invention. As set forth in paragraph 14 and with reference to Figure 1, the information teaches one skilled in the art what the invention looks like and how to make and use the subject invention. Remembering that enablement is viewed from the standpoint of one skilled in the art, people are quite skilled in this art and know that certain deniers and dye characteristics can be used to practice the invention -- and the Federal Circuit has confirmed that applications need not include either examples or information that is known to those skilled in the art. By simply looking at Figure 1 as well as Figure 2, and the description of the invention as set forth in paragraphs 14 and 15 of the specification, one of skill in the art can readily appreciate and understand how to make and use the invention. Paragraph 19 of the specification provides even further details and compositions of the fibers that can be used to make and use the subject invention.

For at least the foregoing reasons and citations, applicant respectfully submits that claims 5 and 14 and their corresponding subject matter is properly enabled in the specification.

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In view of the favorable Interview Summary of January 26, 2007, the Amendment After Final dated February 5, 2007, and the foregoing information, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any further questions or comments on the last remaining issue in this case concerning claims 5 and 14, the undersigned politely requests that the Examiner telephone the undersigned to discuss any remaining issue in an effort to move this case to allowance without the issuance of another written Office Action. The undersigned may be contacted at 703-816-4009.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_



Duane M. Byers  
Reg. No. 33,363

DMB:lfo  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100